

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

MELINDA SCOTT,

Appellant,

v.

WISE COUNTY DEPARTMENT OF
SOCIAL SERVICES, *et al.*,

Appellees.

4th Cir. Case No. 21-2006

Va. W.D. Case No. 2:20-cv-14

MOTION TO STRIKE OR DISMISS “SUPPLEMENTAL APPEAL”

NOW COMES Defendant/Appellee Joshua Moon, by counsel, and submits this Motion to Strike or Dismiss the Appellant’s “Supplemental Appeal.” In support of this Motion, Mr. Moon states as follows:

1. The Appellant is a serial Appellant. The District Court has already determined, pursuant to Fed. R. App. P 24 (a)(3)(A) that her extant appeal was not filed in good faith. In her so-called “Supplemental Appeal,” she raises the same issues she also raises in an entirely new case, for which her informal brief is due April 25: Case No. 22-1343.
2. In her “Supplemental Appeal,” the Appellant appears to challenge orders which are not final orders or appealable until the District Court first rules on the underlying issues. 28 U.S.C. § 158 (d).

3. In her “Supplemental Appeal,” the Appellant appears to challenge orders of the Magistrate Judge which she has not brought to the attention of the District Judge, which is in violation of Fed. R. App. P. 72 (a).

WHEREFORE, Appellee Joshua Moon moves that this Court strike the Appellant’s “Supplemental Appeal” or dismiss that appeal and require no further response on his part.

Respectfully submitted this the 7th day of April, 2022

JOSHUA MOON

By Counsel:

/s/Matthew D. Hardin

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Certificate of Service

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I will also deposit a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott
2014PMB87
Post Office Box 1133
Richmond, VA 23218

Dated: April 7, 2022

/s/Matthew D. Hardin
Matthew D. Hardin
Counsel for Joshua Moon

Certificate of Compliance

I hereby certify, pursuant to Fed. R. App. P. 32 (g), that this Motion complies with the type volume limitation. It is, exclusive of the items listed in Fed. R. App. P. 32 (f), 195 words in length. I have relied upon Microsoft Word's word processor to establish that count.

Dated: April 7, 2022

/s/Matthew D. Hardin
Matthew D. Hardin
Counsel for Joshua Moon